

You are requested to attend a meeting of the Standards Advisory Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 22 May 2012 at 14:30.

Agenda

- 1 Appointment of Chairman.
- 2 Appointment of Vice-Chairman.
- 3 Apologies.
- 4 Minutes of the meeting of the Standards Committee held on 12 April 2012 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 The Localism Act 2011 - The Amended Standards Regime:-
 - (i) Update from the Monitoring Officer. Also see attached copies of correspondence with the Department of Communities and Local Government; and
 - (ii) A draft new Code of Conduct for consideration. Report of the Monitoring Officer (attached).
- 8 Date of next meeting.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 9 Update on complaints made against Councillors under the Local Assessment Framework. Report of the Monitoring Officer. Clause 2 - Information which would reveal the identity of an individual.

Bruce Lang
Assistant Chief Executive

16 May 2017

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Standards Advisory Committee Members:-

Councillor J Allgrove
(Historic)Mr T Bowditch
Mrs A Elder
Councillor E Gaines
Mr M Marshall
Mr L Rogers
Councillor P Tooze
Councillor A Wedderkopp
Mr B Wilson
Councillor G Wren

Standards Committee – 12 April 2012

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Thursday, 12 April 2012 at 2.30 p.m.

Present: Mrs A Elder (Chairman)
Councillors Mrs Allgrove, Brooks and Gaines
Mr T Bowditch, Mr A Cox, Mr H Davenport, Mr M Marshall, Mr L Rogers,
Mr R Symons and Mr B Wilson

Officers: Mrs T Meers (Monitoring Officer), Mr D Greig (Parish Liaison Officer) and
Mr R Bryant (Democratic Services Manager)

Also present: Councillor Cavill

9. Apology

Mr D Macey.

10. Minutes

The minutes of the previous meeting of the Committee held on 24 January 2012 were taken as read and were signed.

11. Declaration of Interests

The Chairman, Anne Elder, declared personal interests as a Public Governor of the Taunton and Somerset NHS Trust and as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Councillor Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor Brooks declared a personal interest as a Member of Somerset County Council.

12. Mr Alan Cottrell

The Democratic Services Manager, Richard Bryant, reported that the Vice-Chairman, Mr Alan Cottrell had recently tendered his resignation from the Standards Committee due to business commitments.

Members asked for a letter to be sent to Mr Cottrell thanking him for his valuable contributions to the work of the Committee.

13. The Localism Act 2011 - The amended Standards Regime

The Monitoring Officer, Tonya Meers, reported that the Regulations which were intended to bring into effect the amended Standards Regime outlined in The Localism Act 2011 were in the process of being drafted.

As things currently stood, the implementation date for the amended regime was still 1 July 2012. However, the longer it took for the Regulations to be issued, the more difficult it would be for the timescale (which had already been extended from 1 April 2012) to be met.

Mrs Meers went on to report that the Somerset Monitoring Officer Group had met very recently to discuss the current situation. Peter Lacey from the Community Council of Somerset had been in attendance at this meeting to provide information on the parish perspective, which appeared to indicate that most Parish Councils would be content to sign up to a new Code of Conduct.

The Group had also discussed the involvement of Parish Councils in the future and it had been agreed that the formation of Joint Committees might be a way forward (subject to Council approval), with Monitoring Officers still having the responsibility for dealing with complaints made against Parish Councillors.

With regard to a new Code of Conduct, the Local Government Association had produced a draft new Code for possible use by Councils across the country. However, first reactions had been unfavourable as the wording of the document left a fair amount of ambiguity.

Mrs Meers went on to say that a draft Code was currently being worked on by the Association of Council Secretaries and Solicitors which was similar to the current Code and was therefore likely to be more acceptable to many local authorities.

A 'backlash' over the proposals which precluded current independent members being able to stand for the position of Independent Person had resulted in Councils being able to operate transitional arrangements and there was a possibility of the Government relaxing this requirement completely.

Another topic discussed by the Monitoring Officers was the possible retention of the current independent members on their Standards Committees. Many authorities were currently thinking this through and had come to the same conclusion that a Committee comprising Councillors in accordance with the rules concerning proportionality would, more than likely introduce "politics" into Standards.

Mrs Meers mentioned that if Full Council voted against a Committee made up solely of elected Members, it might be possible for the current independent members of the Standards Committee to be co-opted onto any new Committee.

This position was different to that reported to the previous meeting, however it had become clear that the 'make-up' of the Committee in the future would be non-statutory so, in theory, Taunton Deane could retain a Committee to suit the Council's requirements.

Regular meetings had been held with the Corporate Resources Portfolio Holder (Councillor Mrs Vivienne Stock-Williams) and her Shadow (Councillor Richard Lees) to discuss the situation relating to the alteration of the Standards Regime and both were happy at the prospect of retaining the Committee in its present format.

Mrs Meers went on to say that the report that had been considered at the last meeting of the Standards Committee had since been discussed by the Constitutional Sub-Committee, the Corporate Governance Committee and the Community Scrutiny Committee and all three bodies had supported the recommendations included in the report. She added that there was little more that could be done at this stage without the Regulations from the Government.

In conclusion, Mrs Meers felt that it appeared that the prospect of wholesale changes to the present Standards Regime might turn out to be something less onerous.

The Committee felt that to ensure the desired outcome with the composition of Taunton Deane's Standards Committee, the time was right for support to be garnered through the political groups.

Disappointment was expressed that neither Jeremy Browne MP nor the Leader of the Council, Councillor John Williams, were present at the meeting to hear the Committees continuing discontent with the proposals for Standards outlined in the Localism Act. The fact that no response to the Monitoring Officer's letter to the MP, which had been sent following the Committee's last meeting, was also regretted.

Mr Lynn Rogers reported that he had arranged a meeting with the MP at one of the Constituency Surgeries to bring the concerns about the changes to the Standards Regime to Jeremy Browne's attention – as an individual, not as a representative of the Committee.

The issue of pecuniary interests was discussed. As far as the Localism Act was concerned, if such an interest was declared beforehand, the Councillor concerned would be under no obligation to leave a meeting when the particular item was discussed.

Members of the Committee felt this situation was a retrograde step and that the current rules relating to how prejudicial interests were handled should be retained too otherwise Councillors would be prevented from having the right to represent issues in their wards.

The Committee was strongly of the view that the Monitoring Officer should be requested to send a further letter, this time to the Secretary of State for Communities and Local Government, Eric Pickles MP, detailing the Committee's concerns.

The draft letter would be circulated to all Members for comment before it was sent off, with copies also being to Bob Neill MP (Eric Pickles's deputy) and

Jeremy Browne MP. Once sent, Mrs Meers said she would circulate the letter to the other Monitoring Officers in Somerset with the suggestion that they might like to make similar views to the Government too.

Councillor Norman Cavill, who was in attendance in connection with the item covered by Minute No 15 below, reported that the independence of the Standards Committee was highly valued and things should be kept as they were. He announced that he would be happy to take the Committee's views back the Conservative Group.

14. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had agreed that the item covered by Minute No 15 below should be dealt with as an urgent item.

15. Proposed Dispensation to Members of West Monkton Parish Council

Reported that the Members of West Monkton Parish Council had requested a dispensation in order to be able to participate in discussions relating to the Urban Extension of 4500 dwellings and associated employment land which had been earmarked for Monkton Heathfield in the Core Strategy which was within the Parish.

Noted that the Parish Council's views would be sought in connection with this major residential development. However, more than 50% of the Members of the Parish Council would have a prejudicial interest in this area due to financial reasons, details of which were reported

The Local Government Act 2000 provided that where more than 50% of Members had a prejudicial interest, the Standards Committee could grant a dispensation to the Members concerned in order to allow them to be able to participate in the planning process.

Resolved that a dispensation be granted to the following Members of West Monkton Parish Council:- Councillors Hazel Ellis (Chairman), Barry Gage, Stuart Haskins, David McCubbin, Raymon Tully, Norman Cavill and Mark Besley.

16. Date of next meeting

The next meeting would be held on Tuesday, 22 May 2012 at 2.30 p.m. in The John Meikle Room at The Deane House.

17. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

18. Update on complaints made against Councillors

Mrs Meers reported that with regard to the one current complaint against a Taunton Deane Councillor, the Consideration Sub-Committee had met and following a thorough discussion of the investigator's report had decided that no further action should be taken.

Mrs Meers also reported that the Assessment Sub-Committee had decided to take no further action in respect of complaints that had been made against Parish Councillors from two Parish Councils. The Parish Liaison Officer, David Greig, would be working alongside these Parishes to ensure there were no further difficulties.

One of the complaints that had been received against a Parish Councillor required the submission of further information before a decision could be made as to whether an investigation should be undertaken.

Resolved that the report be noted.

(The meeting ended at 4.12 p.m.)

Taunton Deane Borough Council

Standards Committee – 22 May 2012

The Localism Act 2011 – The Amended Standards Regime

Report of the Monitoring Officer)

(This matter is the responsibility of Executive Councillor John Williams, Leader of the Council)

1. Executive Summary

This report is to discuss a proposed Code of Conduct.

2. The Localism Act 2011

- 2.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The date for implementation of these changes is proposed to be 1 July 2012.

3. Code of Conduct

- 3.1 As part of the proposed changes Councils will be required to sign up to a Code of Conduct but Councils will have the ability to agree their own Code rather than have a Code imposed upon them.
- 3.2 The Monitoring Officers in Somerset believe that it would be helpful to have a consistent Code across Somerset in order to assist Members especially those who may be dual or triple hatted and therefore a proposed Code has been drafted.
- 3.3 It should be noted that regulations are still awaited and therefore definitions and guidance on what amounts to Disclosable Pecuniary Interests and Non-Disclosable Interests will need to be added once those regulations have been released.
- 3.4 However, in the meantime, a proposed draft Code has been prepared and views from Members are sought on this Code so that the Monitoring Officers can feed back to others. It is anticipated that if all authorities are happy with the proposed Code that it can then be agreed quickly once the regulations are released and a new timetable is known. Therefore attached at Annexe 1 is a draft of the proposed Code of Conduct for Members to comment upon.

4. Finance Comments

- 4.1 There are no finance implications in this report.

5. Legal Comments

5.1 The Council will have a statutory duty to promote and maintain high standards of conduct and the Code of Conduct will be an important aspect of demonstrating that it meets that duty.

6. Links to Corporate Aims

6.1 There are no links to the Corporate Aims.

7. Environmental Implications

7.1 There are no environmental implications in this report.

8. Community Safety Implications

8.1 There are no community safety implications.

9. Equalities Impact

9.1 There is no requirement at this stage to undertake an Equalities Impact Assessment.

10. Risk Management

10.1 The Council needs to demonstrate that it can comply with its duty to promote and maintain high standards of conduct and the recommendation in this report will assist the Council in doing that.

11. Partnership Implications

11.1 There is a requirement to work with Parish Councils to ensure consistency in operating these arrangements.

12. Recommendations

12.1 To discuss the report and make any relevant recommendations and comments.

Contact: Tonya Meers
Monitoring Officer
01823 356391
t.meers@tauntondeane.gov.uk

Draft MEMBER CODE OF CONDUCT

INTRODUCTION AND INTERPRETATION

This Code applies to you as a member of this authority when you act in your role as a member or claim to act or give the impression that you are acting in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such. Therefore your actions impact on how the authority as a whole is viewed. It is important, therefore, that you do nothing as a member which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

Guidance on the interpretation of this Code is included in the “Guide to the authority’s Code of Conduct”.

1. GENERAL OBLIGATIONS

When acting in your role as a member of the authority you must:

- 1.1 treat others with respect;
- 1.2 not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- 1.3 when reaching decisions on any matter, have regard to any relevant advice provided to you by—
 - a) your authority’s chief finance officer; or
 - b) your authority’s monitoring officer,

where that officer is acting pursuant to his or her statutory duties;

1.4 give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority;

1.5 act in accordance with the authority's reasonable requirements including the requirements of the authority's X policies [examples could include IT policies, the Member/Officer Protocol, Planning Code] and such other policies as may be approved by the authority from time to time and which have been provided to you and which you are deemed to have read;

1.6 make sure that the authority's resources are not used improperly (including for party political purposes);

1.7 not do anything which may cause the authority to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);

1.8 not bully any person;

1.9 not intimidate or attempt to intimidate any person who is or is likely to be—

a) a complainant,

b) a witness, or

c) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;

1.10 not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority;

1.11 not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- a) you have the consent of a person authorised to give it;
- b) you are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is—
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the authority; and
- e) you have consulted the monitoring officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

2. INTERESTS

2.1 You must declare any interests, both pecuniary and non-pecuniary, that relate to your public duties including registering and declaring interests in a manner conforming with the requirements of this Code.

2.2 You must, within 28 days of this Code being adopted by the authority or your taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any non-pecuniary interest which the authority has

decided should be included in the register. Interests will be recorded in the authority's Register of Members' Interests and made available for public inspection including on the authority's website at :

- 2.3 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the authority's monitoring officer.
- 2.4 If an interest has not been entered onto the authority's register, then you must disclose the interest to any meeting of the Council, the Executive or any Committee or Sub-Committee at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a sensitive interest.
- 2.5 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. Additionally you must observe the restrictions the authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by the authority.
- 2.7 Where you have a [pecuniary or non pecuniary] interest in any business of the authority and you attend any meeting of the Council, it's Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, you must disclose to that meeting the existence and nature of that interest.
- 2.8 You must disclose any [pecuniary or non pecuniary] interest in accordance with the authority's reasonable requirements, and no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you.

2.9 Where you have a disclosable pecuniary interest in any business:

- a) you must not seek to influence improperly a decision about that business;
and
- b) you must withdraw from the room or chamber where a meeting considering the business is being held as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the authority's monitoring officer.

2.10 The interests you must register are:-

To be completed once Regulations issued.

3. PRE-DETERMINATION OR BIAS

3.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member. However do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

3.2 When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

3.3. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

- a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-

committee mentioned in paragraph a) and you were present when that decision was made or action was taken;

or

- c) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the authority's constitution or under delegated authority from the Leader);

you may attend a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

DRAFT

APPENDIX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

Guide to X Authority's Code of Conduct

In X authority's Code of Conduct the following words shall have the following meanings ascribed to them—

“disclosable pecuniary interest” is as defined by regulations made by the Secretary of State

“meeting” means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“member” includes a co-opted member and an appointed member.

“sensitive information” means information relating to a members interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation

“bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine

“disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfill their role or adversely affecting the reputation of members generally in being able to fulfill their role

Further definitions to be added as required